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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
OFFICE

☒ In re application of*: Daniel Benedict, *et al.*

Serial No.: 10/056,662

Group No.: 1651

Filed: January 23, 2002

Examiner: L. Blaine Lankford

Docket No.: 140205-1010

For*: **Method and Apparatus for Islet Isolation**

☐ Patent No.:

Issued:

01/30/2004 SDIRETA1 00000004 10056662

130.00 OP

Mail Stop 16

Director of the US Patent and
Trademarks Office

P.O. Box 1450

Alexandria, VA 22313-1450

01 FC:1460

ATTENTION: Refund Section, Accounting Division, Office of Finance
REQUEST FOR REFUND
(37 C.F.R. 1.28(a))

NOTE: 37 C.F.R. § 1028(a) "(a) Refunds based on later establishment of small entity status. A refund pursuant to §1.26, based on establishment on small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under §1.136. Status as small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. §1.704(c)(1). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

CERTIFICATE OF MAILING (37 C.F.R. 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being
MAILING

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope to the: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ with sufficient postage as first class mail. 37
C.F.R. § 1.8(a)

☐ as "Express Mail Post Office to Addressee"
Mailing Label No.: (mandatory).
37 C.F.R. §1.10

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office (703) 308-5077.

Date: January 19, 2004

Cory Rose

Cory Rose

Adjustment date: 01/30/2004 SDIRETA1
12/23/2003 1247 OG 111-112 10056662
01 FC:1460 1430.00 OP

Refund Ref:
01/30/2004

0030014287

Credit Card Refund Total: \$1300.00

PATENT

PAID 1/23/02

I. SUBMISSION OF SMALL ENTITY ASSERTION

- ☐ Attached is an assertion of small entity status in this application.
- ☒ An assertion of small entity status was filed in this application on January 23, 2002.

US PATENT & TRADEMARK OFFICE

II. REFUND REQUEST

This request for refund is made within three months of the date a fee was paid in this application on (date) December 19, 2003 in the amount of \$130.00.

NOTE: The two-month period (§ 1.28(a)) is not included in the provisions for extension under 37 C.F.R. 1.136 since it is not a period for response. Notice of November 30, 1983, 49 FR 548, January 4, 1984.

III. FEES PAID FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> filing fee	\$
<input type="checkbox"/> surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e)) and/or	\$
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e))	\$
<input type="checkbox"/> extension of term	\$
<input type="checkbox"/> issue fee	\$
<input type="checkbox"/> patent maintenance fee	\$
<input type="checkbox"/> first maintenance fee	\$
<input type="checkbox"/> second maintenance fee	\$
<input type="checkbox"/> third maintenance fee	\$
<input type="checkbox"/> patent maintenance fee surcharge.	\$

NOTE: The refund provisions of § 1.28(a) for later submitted small entity statements apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37

- ☒ other: Petition to add Lorna Shelly Mosse \$ 1,300.00
A credit card authorization form in the amount of \$130.00 was submitted on December 19, 2003. However, \$1,430.00 was charged to the credit card.

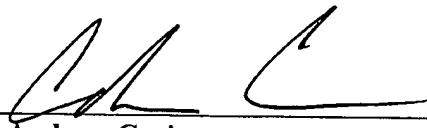
TOTAL REFUND REQUESTED

\$ 1,300.00

IV. MANNER OF REFUND

Please make refund by:

- ☐ Deposit Account No. .
- ☒ Credit card as shown on the attached credit card information authorization form PTO-2038.
- ☐ Refunding overpayment


N. Andrew Crain
Reg. 45,442

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
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